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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

TOTALLYHER MEDIA, LLC,

Plaintiff,

vs.

BWP MEDIA USA INC.,

Defendant.

Case No. 2:13-cv-08379-AB-PLAx

Hon. André Birotte Jr.

[PROPOSED] JUDGMENT

Date: March 23, 2015

Time: 10:00 a.m.

Courtroom: 4

Action Filed: December 12, 2013

Trial Date: June 2, 2015

1 The Motion for Summary Judgment of Plaintiff and Counter-Defendant
2 Totally Her Media, LLC (“TotallyHer”) came on for a hearing on March 23, 2015,
3 at 10:00 a.m., in the above-captioned Court, the Honorable André Birotte Jr.
4 presiding. Having considered the Memorandum of Points and Authorities, the
5 Separate Statement of Uncontroverted Facts and Conclusions of Law, all papers
6 submitted by the parties concerning the motion for summary judgment, and the
7 pleadings and papers on file in this action,

8 **IT IS ORDERED, ADJUDGED AND DECREED:**

9 1. TotallyHer’s motion for summary judgment is GRANTED as set forth
10 in the Court’s Order dated March 24, 2015.

11 2. TotallyHer is entitled to safe harbor protection under 17 U.S.C.
12 § 512(d) for the alleged infringement of Defendant BWP Media Inc.’s
13 (“BWP”) alleged rights under the Copyright Act and is not liable for
14 monetary relief because:

15 (a) TotallyHer is a service provider within the meaning of 17 U.S.C.
16 § 512;

17 (b) TotallyHer satisfies all of the conditions for eligibility for safe
18 harbor protection under 17 U.S.C. § 512(i);

19 (c) TotallyHer did not have actual knowledge and was not aware of
20 facts or circumstances from which the alleged infringing activity
21 was apparent;

22 (d) TotallyHer acted expeditiously to remove or disable access to the
23 allegedly infringing images upon obtaining such knowledge;

24 (e) TotallyHer does not receive a financial benefit directly
25 attributable to the infringing activity; and

26 (f) upon notification of claimed infringement as described in 17
27 U.S.C. § 512(c)(3)(A)(iii), TotallyHer responds expeditiously to
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1 remove or disable access to the material that is claimed to be
2 infringing or to be the subject of infringing activity.

3 3. TotallyHer is not liable on BWP's counterclaims for direct or vicarious
4 copyright infringement.

5 4. BWP's requests for injunctive relief, statutory damages, actual
6 damages, disgorgement, attorneys' fees, and costs are denied.

7 5. BWP's counterclaims are dismissed with prejudice.

8 6. Judgment is hereby entered in favor of TotallyHer and against BWP on
9 all of TotallyHer's claims and BWP's counterclaims.

10 7. As the prevailing party, TotallyHer is entitled to costs pursuant to
11 F.R.Civ.P. 54(d).

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13 Dated: April 7, 2015

14 Honorable André Birotte Jr.
15 U.S. District Court Judge
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